

EXHIBIT A

Page 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

ENTROPIC COMMUNICATIONS, LLC,

PLAINTIFF, CASE NO.: _____

vs. 2:23-CV-01043-JWH-KES

DISH NETWORK CORPORATION, ET AL.,

DEFENDANTS. 2:23-CV-01049-JWH-KES

ENTROPIC COMMUNICATIONS, LLC,

PLAINTIFF,

vs.

COX COMMUNICATIONS, INC., ET AL.,

DEFENDANTS.

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S TRANSCRIPT OF REMOTE PR

STENOGRAPHICALLY REPORTED BY:

MEGAN F. ALVAREZ, RPR, CSR No. 12470

JOB NO. 6316705

PAGES 1 - 41

1 UNITED STATES DISTRICT COURT 2 CENTRAL DISTRICT OF CALIFORNIA 3 SOUTHERN DIVISION 4 5 ENTROPIC COMMUNICATIONS, LLC, 6 PLAINTIFF, CASE NO.: 7 vs. 2:23-CV-01043-JWH-KES 8 DISH NETWORK CORPORATION, ET AL., 9 DEFENDANTS. 2:23-CV-01049-JWH-KES 10 _____ / 11 ENTROPIC COMMUNICATIONS, LLC, 12 PLAINTIFF, 13 vs. 14 COX COMMUNICATIONS, INC., ET AL., 15 DEFENDANTS. 16 _____ / 17 18 19 Hearing, VIA REMOTE COUNSEL, beginning at 20 9:30 a.m. and ending at 10:18 a.m. on Friday, 21 December 1, 2023, before Megan F. Alvarez, RPR, 22 Certified Shorthand Reporter No. 12470. 23 24 25	Page 2	Page 4
1 APPEARANCES: (ALL PARTIES APPEARING VIA VIDEOCONFERENCE) 2 3 BEFORE: DAVID M. KEYSER, SPECIAL MASTER 4 LAW OFFICE OF DAVID KEYSER, P.C. 5 5170 GOLD FOOTHILL PARKWAY 6 EL DORADO HILLS, CALIFORNIA 95762 7 916.243.5259 8 DAVID@KEYZERLAW.COM 9 10 FOR PLAINTIFF: 11 BY: KATHERINE L. ALLOR, ESQ. 12 K&L GATES 13 70 WEST MADISON STREET 14 SUITE 3300 15 CHICAGO, ILLINOIS 60602 16 312.807.4325 17 KATY.ALLOR@KLGATES.COM 18 BY: CHRISTINA N. GOODRICH, ESQ. 19 CASSIDY T. YOUNG, ESQ. 20 K&L GATES 21 10100 SANTA MONICA BOULEVARD 22 EIGHTH FLOOR 23 LOS ANGELES, CALIFORNIA 90067 24 310.552.5547 25 CHRISTINA.GOODRICH@KLGATES.COM	Page 3	Page 5

<p style="text-align: right;">Page 18</p> <p>1 burden on its motion for reconsideration. It is well 2 settled that there's no discovery stay order in place. 3 The only entity or person who could enter such an order 4 is the district court judge in this case who has not 5 issued a stay of discovery nor has one been requested. 6 Relevant cases for that are Brotherhood Mutual versus 7 Vinkov, 2021 Westlaw 1152896 C.D. Cal January 13, 2021. 8 And there's a number of other cases on that point.</p> <p>9 But discovery is open. It has been open for 10 many months now, and there's no stay in place. So 11 that's the point at which everything else flows.</p> <p>12 In order to bridge the gap between the parties 13 and efficiently resolve this matter, and this is the 14 point at which Comcast and Entropic can reach an 15 agreement, I believe, we propose that Comcast comply 16 with the special master order and discovery obligations 17 after Entropic files its amended complaint on 18 December 8.</p> <p>19 If there is some need for a meet-and-confer to 20 narrow scope or there's a continuing dispute regarding 21 scope in light of the amended complaint, then that is 22 something, as Mr. Padmanabhan raised, the parties can 23 meet and confer on and then raise that dispute with you.</p> <p>24 And we may respectfully request that perhaps 25 the parties set a follow-up status conference so that we</p>	<p style="text-align: right;">Page 20</p> <p>1 today. But in terms of what will be filed on 2 December 8th, that will not look radically different in 3 terms of the patents asserted, the claims, and the 4 allegations of willfulness.</p> <p>5 We will, of course, add to them, but we 6 believe that the discovery that we have served that are 7 the subject of the special master order will remain 8 relevant and appropriate in light of the amendment.</p> <p>9 With respect to the jurisdictional portion of 10 the judge's order, again, as a reminder, that dates back 11 to ex parte briefing that Entropic had filed far before 12 the briefing on the motions to dismiss themselves, much 13 earlier in the case.</p> <p>14 And, of course, that was a request for 15 jurisdictional discovery. It did not put in play all 16 discovery in the case. It was an affirmative request 17 for something to delay decision on the motion to dismiss 18 until such time as that discovery had been conducted.</p> <p>19 We're now at a far different place than we 20 were at the time that ex parte was filed. And so the 21 decision denying the request for jurisdictional 22 discovery in no way effectuates a complete stay of 23 discovery. In fact, it can't. Because we know that 24 Judge Holcomb would have to be the one to issue a 25 discovery stay. He did not do so.</p>
<p style="text-align: right;">Page 19</p> <p>1 can have something on calendar where those disputes can 2 be raised or hopefully there are no disputes and we can 3 move forward.</p> <p>4 But it is our belief, based on the groundwork 5 from which we view this matter, that because there's no 6 discovery stay in place, discovery remains open. We 7 understand, however, Comcast's concerns and arguments 8 with respect to them not knowing the scope of the claims 9 and what claims will be asserted until we amend. And 10 which is why we are proposing this somewhat of a 11 compromise here.</p> <p>12 I can tell you, though, we will be reasserting 13 all of the same patents. And it will come as no 14 surprise because I raised this during the prior 15 discovery dispute hearing, that one of the grounds for 16 willfulness, which is on a patent-by-patent basis, is 17 the original filing of the complaint which relevant case 18 law says is sufficient to support allegations of 19 willfulness.</p> <p>20 So that there's no surprise there, we're not 21 talking about a situation where we're going from 12 22 patents to two patents or we're going from 12 patents to 23 22.</p> <p>24 There is a separate motion for leave to amend 25 that we had filed that we don't need to discuss here</p>	<p style="text-align: right;">Page 21</p> <p>1 With respect to the relevant case law, the 2 Countrywide case actually supports Entropic's position 3 directly on all fours. In that case it actually was 4 pointing out this distinction that I just made. 5 Magistrate Judge is unable to issue a discovery stay.</p> <p>6 And so with respect to any action -- and this 7 gets back to the question as to what order you may need 8 to enter versus Judge Holcomb. If there were to be a 9 request for a discovery stay, it would have to be a 10 regularly noticed motion put before Judge Holcomb and 11 not done through this reconsideration route.</p> <p>12 Let me pause there and ask if you have any 13 questions; if there's anything you would like me to 14 address further.</p> <p>15 SPECIAL MASTER KEYZER: Sure. Let me just 16 make sure I understand correctly.</p> <p>17 So the statement, at least from your 18 perspective, the statement in the November 20, 2023, 19 order referring to jurisdictional discovery, was 20 referring to discovery that the plaintiff requested 21 occur before the Court would rule on the motion to 22 dismiss.</p> <p>23 Is my understanding of your position correct?</p> <p>24 MS. GOODRICH: Yes, and I believe the ex parte 25 briefing that dates back to the purpose of our ex parte</p>

6 (Pages 18 - 21)

1 But one quick question. Is the meet-and-confer, the 2 substantive meet-and-confer on the discovery in light of 3 the amendment, or is it a meet-and-confer on the 4 procedural steps? 5 SPECIAL MASTER KEYZER: Meet and confer on the 6 substantive -- 7 MS. GOODRICH: Okay. 8 SPECIAL MASTER KEYZER: -- scope of discovery 9 that each side feels is permissible. If -- you know, 10 whatever the -- whatever the party's positions are on 11 how SM-5 should be modified, vacated, whatever the 12 parties feel is appropriate based on the amended 13 complaint. 14 Mr. Padmanabhan? 15 MR. PADMANABHAN: I think you proposed a 16 meet-and-confer by Thursday the 14th and a status report 17 on the 15th? 18 SPECIAL MASTER KEYZER: Correct. 19 MR. PADMANABHAN: I mean, trying to wrangle 20 clients this time of year with one day's time, which is 21 hopefully what we would want to do before replying to 22 you, is a little difficult. 23 SPECIAL MASTER KEYZER: Well, I can give you 24 till -- I can give you until Monday. 25 MR. PADMANABHAN: Yeah. I think that that	Page 38 1 ready, as well as a copy of any rough transcript that 2 might be provided to the parties. In short, I just like 3 to have a copy of whatever the parties receive from the 4 reporter. 5 This concludes today's hearing. We're now off 6 the record. 7 (TIME NOTED: 10:18 a.m.) 8 * * * * * 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
1 would be helpful. I didn't want to ask much but I just 2 think that would be helpful. 3 SPECIAL MASTER KEYZER: That's fine. Monday 4 by 5:00 p.m. Pacific, December 18th. 5 MR. PADMANABHAN: Thank you, Mr. Keyzer. 6 SPECIAL MASTER KEYZER: Okay. That would be 7 fine. 8 Okay. I do believe what I've done 9 short-circuits the plaintiff's discussion of the 10 infringement contentions at this point, but I think that 11 I will be in a better position to address that once we 12 have an amended complaint on file. 13 So with that said, is there anything further I 14 can do today to assist the parties? 15 Anything further from the plaintiff? 16 MS. GOODRICH: No, not from the plaintiff. 17 Thank you. 18 SPECIAL MASTER KEYZER: Okay. 19 MR. PADMANABHAN: Nothing more from defendant 20 Comcast. 21 SPECIAL MASTER KEYZER: Okay. Counsel, I 22 thank you for your attendance today. Just a moment. 23 The parties should please order the transcript 24 and split the costs between the parties. Please ensure 25 I receive a copy of the final transcript when it is	Page 39 1 2 CERTIFICATE OF REPORTER 3 4 I, MEGAN ALVAREZ, a Certified Shorthand 5 Reporter, hereby certify that the foregoing proceedings 6 were taken in shorthand by me at the time and place 7 therein stated, and that the said proceedings were 8 thereafter reduced to typewriting, by computer, under my 9 direction and supervision; 10 And I further certify that I am not of counsel 11 or attorney for either or any of the parties to said 12 hearing nor in any way interested in the outcome of the 13 cause named in said caption. 14 15 DATED: Decen 15 2023 16 17 MEGAN F. ALVAREZ 18 CSR No. 12470, RPR 19 20 21 22 23 24 25